

THE ROLE OF GUILT IN THE PERCEPTION OF DIVORCE SETTLEMENTS DEPENDS ON THE DIVORCE PROCEDURE

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Little is known about the factors that influence satisfactory divorce settlements. We assumed that feelings of guilt toward the former partner might – directly or indirectly – be one of these factors. Feelings of guilt, which often occur in divorce, elicit cooperative negotiation behaviour. We hypothesised that guilt, mediated by cooperative negotiation behaviour, would be related to participants' subjective appraisals of their divorce settlements. Furthermore, we predicted that this relation would be moderated by the divorce procedure (i.e., litigated divorce or consensual divorce) followed by the participants. We used survey data of 166 participants who were in the process of divorcing. Guilt was assessed at outset, as was negotiation behaviour at one year, and appraisals of divorce settlements at two years. Participants in the litigated divorce group appraised their settlements less positively than participants in the consensual group. In this group guilt was directly and indirectly (through yielding negotiation behaviour) negatively related to appraisals of personal aspects of settlements. In contrast, guilt was indirectly (through yielding negotiation behaviour) positively related to appraisals of factual aspects of settlements in the consensual divorce group.

Introduction

People who divorce often feel guilty. Research on feelings of guilt in divorce has primarily focused on causes of guilt, such as being the initiator of the divorce (Baum, 2007), having cheated on a partner (Spanier & Margolis, 1980), or not fulfilling what society expects from a husband or wife (Wallerstein & Kelly, 1980, in Walters-Chapman, Price, & Serovich, 1995). Few authors have reported on the consequences of feeling guilty during and after a divorce, such as diminished overall satisfaction with life (Spanier & Margolis, 1983) and poor post divorce adjustment (i.e., depression and continuing attachment to the former partner, Walters-Chapman, et al., 1995). Almost 20 years ago, Walters-Chapman and colleagues (1995) raised the assumption that feeling guilty might also be related to unfavorable divorce settlements for

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the party in question. However, this assumption has not been tested yet, and as little is known about possible effects of guilt on satisfaction with divorce settlements.

Divorce settlements determine people's future lives in many ways, including finances, housing, and parenting. The fact that poverty is an issue for many divorcees, especially divorced mothers (Sheets & Braver, 1996), shows that divorce settlements are relevant for both the individual and society. It is important to understand which factors might play a role in reaching good agreements. As we will elucidate in the following paragraph, feelings of guilt might be one of these factors.

Feelings of guilt and negotiation

Guilt has an appeasement function (Van Kleef, De Dreu, & Manstead, 2006). It occurs when people think that they hurt or harmed another person and feel responsible for this. It elicits reparative action tendencies, urging someone who committed a transgression to apologise and make up for what they did (e.g., Baumeister, Stillwell, & Heatherton, 1994). Guilt is even related to self-punishing tendencies (Nelissen & Zeelenberg, 2009). In other words, feeling guilty means to be highly concerned for the other person and lowly for oneself (Lindsay-Hartz, 1984).

Concern for oneself and the other are also the two dimensions of the dual concerns model (Pruitt, 1983), which has been used to explain negotiation behaviour (De Dreu, Evers, Beersma, Kluwer, & Nauta, 2001). According to this model, being highly concerned for the other and lowly for oneself corresponds to accommodating or yielding behaviour in negotiation and conflicts (De Dreu et al., 2001; Pruitt, 1983). Not surprisingly, the literature shows evidence that feeling guilty is related to cooperative conflict behaviour. Studies from social or economic psychology have shown that feeling guilty increases individuals' cooperative behaviour, such as yielding objects of negotiation, in experimental settings (de Hooge, Zeelenberg, & Breugelmans, 2007; Ketelaar & Au, 2003; Nelissen, Dijk, & De Vries, 2007). Even the mere anticipation of feeling guilty has been related to higher offers in ultimatum games (Nelissen, Leliveld, van Dijk, & Zeelenberg, 2011). Similarly, in the context of divorce, it has been shown that guilt is positively related to yielding and problem-solving and negatively to demanding negotiation strategies (Wietzker, Buysse, Loey, & Brondeel, 2011). In a qualitative study, female divorce initiators who felt guilty reported that they tried to meet the expectations of their former spouses, sometimes even overcompensating them (Baum, 2007).

Negotiators' feelings of guilt guide not only their own behaviour, but also reactions of their counterpart. According to Van Kleef, De Dreu and Man-

stead (2010), these reactions depend on the situation: In a cooperative situation appeasement emotions such as guilt “can be expected to reduce competitive tendencies [in the counterpart] that might otherwise arise due to a social transgression. In competitive settings, by contrast, appeasement emotions may invite competition and exploitation” (p. 61). Corroborating this reasoning several studies have shown that counterparts of negotiators who expressed feelings of guilt expected compensation (Van Kleef et al., 2006; Wubben, De Cremer, & van Dijk, 2008, 2009); and behaved more demandingly towards the person who felt guilty (Van Kleef et al., 2006).

To summarise, feelings of guilt in negotiations have different effects. First, they are related to cooperative behaviour of the negotiator who feels guilty, second, they seem to elicit assertive behaviour in the not-guilty counterpart, and third, the not-guilty counterpart tends to expect compensatory behaviour from the guilty one. However, the studies reviewed above do not tell us much about the effects of guilt on negotiation *outcomes*, such as divorce settlements.

Research on divorce settlements

Despite the high incidence of divorce, psychological research on factors influencing divorce settlements is sparse. Many of the existing studies compare divorce mediation and litigation (e.g., Emery, Matthews, & Kitzmann, 1994; Koch & Lowery, 1984; Sbarra & Emery, 2008). The conclusions are mixed. Pearson (1991), for example, found that mediated and litigated settlements were in principle comparable, but that after mediation participants were more satisfied with both process and outcome. This greater satisfaction with mediation processes and outcomes is mostly explained by the greater sense of autonomy and control that is inherent in the mediation process (Emery et al., 1994; Koch & Lowery, 1984). Along the same lines, Hochberg and Kressel (1996), who did not compare mediation and litigation, reported that perceived control and a cooperative negotiation climate were in general predictors of successful divorce settlements. This was corroborated by Sheets and Braver, who observed that “settlement procedures that give the partners say over agreements appear to increase decree satisfaction” (1996, p. 341). Thus, the accruelement of a settlement seems to be crucial for decree satisfaction. Self-determination and control seem to be important factors throughout.

Legal pathways to divorce

The present study was conducted in Belgium. Since the latest divorce reform in Belgium in 2007, people can choose between two legal procedures in order to get divorced: litigated divorce (in Dutch: echtscheiding op grond van

onherstelbare ontwrichting van het huwelijk [EEO]) and consensual divorce (in Dutch: echtscheiding door onderlinge toestemming [EOT]).

In case of consensual divorce, both partners file for divorce. They have to prove that they have been separated for at least six months; and – more importantly – they need to have arranged a comprehensive settlement in order to get divorced. They can work out this settlement by themselves, or, for example, with the help of a mediator. The advantages of consensual divorce are that (a) litigation is omitted and (b) once divorce is granted, everything that needs to be settled is settled. The disadvantage is that because negotiating must happen prior to the divorce, it can take some time until the divorce can finally be granted.

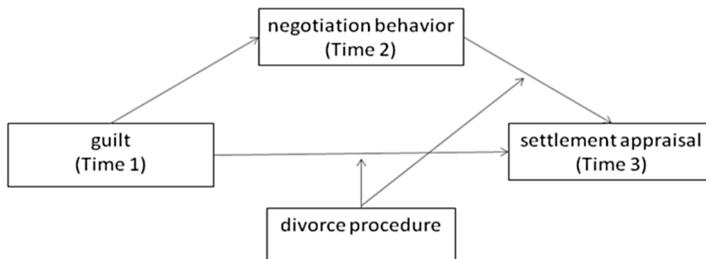
Litigated divorce allows for different scenarios: First, as in consensual divorce, both partners can file for it after six months separation. Second, with the latest law amendment it became possible to request a divorce unilaterally without having to prove the other party guilty (i.e., at fault). If one partner files for divorce unilaterally, divorce can be granted after twelve months separation (or after repeated requests within twelve months). Finally, litigated divorce can be granted if irreconcilable differences can be proven (this would be the scenario in which guilt comes back into the equation). In any of these scenarios, litigated divorce can be granted without having worked out a comprehensive settlement. In fact, it is possible to get divorced without having settled anything at all. This allows the divorce to be granted very quickly. The settlement, or parts of it, can then be finalised through litigation. The disadvantage is, however, that people can get divorced with many unsolved problems and insecurities. By this, litigated divorce holds more chances for lawsuits, in which a judge makes the final decisions.

It can be assumed that divorcing couples who do not agree on things, are not capable of working out a settlement, or are in a hurry to get divorced opt for litigated divorce, whereas those who agree on most of the things that need to be settled and/or are capable of working out a settlement, opt for consensual divorce. It can further be assumed, that consensual divorce, in which the parties take responsibility for the settlements themselves, allows for higher self-determination and control than litigated divorce. Because the prerequisites and consequences of the two procedures are very different, it is conceivable that following one or the other divorce procedure might also have an influence on appraisals of divorce settlements.

Aims of the present study and hypotheses

The aim of the present study was to investigate the effects of feeling guilty toward the former spouse on the subjective appraisal of divorce settlements with consideration of negotiation behaviour and the two different divorce

procedures. Figure 1 depicts a conceptual model of our basic assumptions. In the following we will explain these assumptions in more detail.



Note: Figure adapted from Hayes (2012).

Figure 1
Conceptual Model of Assumptions

Based on the research reviewed above we hypothesised that feeling guilty would be positively related to cooperative negotiation behaviour. More specific, guilt should be positively related to yielding and problem-solving, and negatively to forcing behaviour.

Further, we assumed that negotiation behaviour would be related to appraisals of divorce settlements. This relation should be moderated by the divorce procedure, that is, consensual divorce or litigated divorce.

Consensual divorce. We reasoned that in consensual divorce, ex-spouses might be interested in a high joint outcome, which accommodates both parties as much as possible. In such a climate, guilt-related cooperative behaviour should be related to a relatively positive outcome for both former partners (Van Kleef et al., 2010). Therefore we hypothesised that in consensual divorce, someone's cooperative behaviour would be related to appraising their divorce settlements more positively. More specific, for consensual divorce we hypothesised positive direct and/or indirect effects of guilt on the appraisal of personal aspects of settlements (whether settlements are fair and/or tailor-made), and a negative direct and/or indirect effects of guilt on having conflicts about settlements.

Litigated divorce. We reasoned that in the more adversary climate of litigated divorce, guilt-related cooperative behaviour might lead to being exploited by the counterpart (Van Kleef et al., 2010). For example, yielding behaviour might not be responded to with yielding in turn (Pruitt, 1983, Van Kleef, et.al., 2010).

More specific, for litigated divorce we hypothesised negative direct and/or indirect effects of guilt on the appraisal of personal aspects of settle-

ments, and a positive direct and/or indirect effect of guilt on having conflicts about settlements.

Exploratory we were also interested in potential direct and/or indirect effects of guilt on participants' appraisals of factual aspects (i.e., being clear and comprehensive) of settlements.

Method

Participants and Procedure

The participants are a subsample of the Interdisciplinary Project on the Optimisation of Separation Trajectories (IPOS). This project, which was a cooperation of the Psychology, Economy, and Law departments of Ghent University and the Catholic University of Leuven, is a longitudinal study on divorce in Flanders, Belgium. Initially, we recruited participants at the courts of four major towns on days when divorce hearings were scheduled. Participants were approached as individuals, the participation of both ex-partners was not mandatory. We contacted those who were willing to participate several days later.

The participants completed an electronic survey. All surveys included extensive socio-demographic information about the participant and their former spouse, as well as questions related to family background, divorce procedure, and financial situation. In addition, participants were randomly assigned to one of three questionnaire versions (measuring [a] ex-partner relationships, [b] emotions, or [c] parent-child relationships), which resulted in three subsamples. This procedure was followed in order to prevent fatiguing participants with overly long surveys.

Because we were interested in possible directional relationships, we used data on guilt from the baseline assessment, data on negotiation behaviour, assessed twelve months later, and data on the appraisals of divorce settlements, assessed 24 months after baseline. For better readability we will refer to these measurement moments as Time 1, Time 2, and Time 3.

The individuals in our sample had been assigned to the questionnaire about emotions at the first measurement moment, had participated at all measurement moments, and had already made divorce settlements at Time 3. This resulted in 166 participants, 62.7% of whom were female. At the first measurement moment, participants' mean age was 43.4 years ($SD = 8.56$, ranging from 26 to 63 years). At the last measurement moment, their mean age was 45.5 ($SD = 8.55$, ranging from 28 to 65). Their relationship with their former partner had lasted on average 18.9 years ($SD = 8.98$, ranging from three to 40.6 years). The participants were separated from their former spouse for about 0.8 years ($SD = 1.54$, ranging from 0 to 15 years). The majority

(78.9%) had children with their former partner, ranging from one to five in number ($M = 2.24$, $SD = 0.85$). Most participants were moderately (39.4%) or highly (56.8%) educated. The majority (99.4%) were Belgian citizens. 27.7% ($n = 48$) followed the litigated divorce procedure (18.75% of whom used mediation), 72.3% ($n = 118$) the consensual divorce procedure (29.66% of whom used mediation).

Participants following the different divorce procedures (consensual vs. litigated divorce) did not differ significantly in socioeconomic variables, such as gender distribution [$\chi^2(1) = .11$, $p = .74$], education [$\chi^2(2) = 1.56$, $p = .46$], having children or not [$\chi^2(1) = .00$, $p = .96$], age [$t(163) = -.75$, $p = .46$], and duration of their relationship [$t(164) = 1.54$, $p = .13$]. As can be seen in Table 1, they did also not differ significantly in psychological measures, such as internal or external attribution of the divorce, subjective quality of life, perceived autonomy, and control. However, participants in the litigated divorce procedure scored significantly higher on different measures of pre-divorce conflict.

Table 1
Independent samples T-Tests comparing litigated and consensual divorce I

	<i>t</i>	<i>df</i>			Litigated divorce		Consensual divorce	
					<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>
Internal attribution of divorce ^a	.80	164	-.29	.70	2.56	1.35	2.76	1.51
External attribution of divorce ^a	-1.58	164	-.96	.11	5.52	1.41	5.09	1.65
Pre divorce conflict with ex-partner ^a	-2.49*	164	-.94	-.11	3.35	1.36	2.83	1.17
Pre divorce conflict about money ^a	-3.29**	164	-1.17	-.29	2.83	1.34	2.10	1.28
Pre divorce conflict: solutions ^a	1.54	164	-.10	.83	2.56	1.50	2.92	1.32
Pre divorce conflict: intensity ^a	-2.90**	160	-1.06	-.20	3.49	1.27	2.86	1.25
Pre divorce conflict about children ^a	.20	129	-.39	.48	2.29	1.21	2.33	1.12
QRI conflict ^b	-4.64***	164	-.80	-.32	2.75	.73	2.19	.70
QOL subjective ^c	1.36	164	-.15	.82	6.34	1.63	6.68	1.35
RYFF autonomy ^d	-.21	164	-.26	.21	4.16	.63	4.14	.73
RYFF control ^d	-.89	164	-.35	.13	4.44	.72	4.33	.70

Note: ^aSingle item. ^bQuality of Relationship inventory (QRI, Pierce, Sarason, & Sarason, 1991), 12-item conflict subscale $M = 2.36$, $SD = .75$, range 1-4, $\alpha = .90$. ^cSubjective Quality of Life Scale (Cummins, McCabe, Romeo, & Gullone, 1994), 7-items, $M = 6.58$, $SD = 1.44$, range = 2,14 – 9,71, $\alpha = .81$. ^dRyff's Psychological Well-Being scales (RPWB, Ryff, 1989), 8-item autonomy subscale $M = 4.12$, $SD = .70$, range 1.63 – 5.88, $\alpha = .74$; 7-item control subscale $M = 4.36$, $SD = .70$, range 2.43 – 5.71, $\alpha = .68$.

Measures

Guilt. Guilt was assessed at Time 1 with the Guilt in Separation Scale (GiSS, Wietzker & Buysse, 2012). The GiSS has especially been designed to measure feelings of guilt toward a former spouse. It comprises ten items (Cron-

bach's $\alpha = .93$, e.g., *I am responsible for his/her misery; I feel guilty; I want to apologise to my ex-husband/ex-wife*). Participants were asked how often they had such feelings, thoughts, or action tendencies, which was answered on a seven point Likert scale, ranging from 1 (*never*) to 7 (*always*). The scale mean was used as guilt score.

Negotiation behaviour. Negotiation behaviour was assessed at Time 2 with the yielding, problem-solving, and forcing subscales^[1] of the Dutch Test for Conflict Handling (DUTCH; De Dreu, et. al., 2001). Each subscale consists of four items (e.g., yielding: *I tried to accommodate the other party*; problem solving: *I examined ideas from both sides to find a mutually optimal solution*; forcing: *I fought for a good outcome for myself*), which were answered on a five-point Likert scale, ranging from 1 (*absolutely not*) to 5 (*absolutely*). Subscale means were used as score. Cronbach's alphas of the subscales were: .80 (yielding), .80 (problem-solving), and .81 (forcing).

Appraisals of divorce settlements. We used appraisals of three aspects of divorce settlements as outcome variables: personal aspects (being fair and tailor-made) factual aspects (being comprehensive and clear) (Baitar, Buysse, Brondeel, De Mol, & Rober, 2012), and having conflicts about settlements. Below, their construction is described in more detail.

The participants were asked if they had made agreements around the following topics: parenting (i.e., child-related expenses, custody, and child's residence), child support, matrimonial home, alimony, and property. Table 2 displays (a) the number of participants who had made settlements regarding the different topics and (b) for how many of the topics settlements had been made. With regard to each of the topics, participants were asked the following four questions: *The settlements about ...* (e.g., property) *are fair (i.e., equitable without giving advantage to one of the parties), tailor-made (i.e., adjusted to the participant's specific situation, no standard arrangements), comprehensive (i.e., concerning all possible aspects), and clear (i.e., not much variable interpretation possible)* (Baitar, et al., 2012). Whereas being fair and tailor-made are related to the subjective, personal experience of the individual, being clear and comprehensive are more objective, factual aspects of the settlement itself. Each question was answered on a seven point Likert scale, ranging from 1 (*absolutely not*) to 7 (*absolutely*). The mean value of all items regarding fairness and being tailor-made was used as score for the appraisal of subjective settlement aspects, with higher values indicating that these aspects were evaluated more positive. The mean value of all items regarding comprehensiveness and clarity was used as score for the appraisal of objec-

1. In a cross-sectional study with the complete Time 1 sample, these negotiation styles had been associated with guilt, whereas the other two DUTCH subscales (avoiding and compromising) were unrelated to guilt (Wietzker et al., 2011).

tive settlement aspects, with higher values indicating that those aspects of settlements were appraised more positive. In addition, we inquired “*how often are there conflicts about ...*” (settlements with regard to each of the five topics; parenting, child support, matrimonial home, alimony, and property). These questions were answered on five point Likert scales, ranging from 1 (*never*) to 5 (*always*). Their mean value was used as a conflict score.

A series of ANOVAs showed that the number of topics participants had settled was not related to the overall appraisal of the settlements.

Table 2 (a) and (b)
 (a) Number of settlements per procedure and topic
 (b) Overall number of settlements per procedure

a) Settlements concerning	Litigated divorce (n = 48)	Consensual divorce (n = 118)
Parenting	28	73
Child support	23	56
Alimony	7	17
Matrimonial home	32	97
Property	30	105
b) Number of settled topics	Litigated divorce	Consensual divorce
1	11	11
2	15	37
3	10	24
4	11	39
5	1	7

Results

All analyses were performed with SPSS for Windows, Version 19. In addition we used “PROCESS” (Hayes, 2012), a tool for the computation of mediation, moderation, and conditional process modeling, which has the advantage of using bootstrapping procedures for model estimations. The constructs used in the models are based on Z-scores.

In order to compute information about sample attrition between Time 1 and Time 3 we calculated independent sample *t*-tests for all participants from Time 1, using an indicator of participation at Time 3 as grouping, and socio-demographic measures (i.e., age, duration of relationship, duration of separation) as well as the measures used in our model as test variables. We also calculated chi-square tests with nominal scaled variables (i.e., gender, divorce procedure, having children with the former partner, and education). With one exception (i.e., participants who remained in the sample were slightly higher

educated than those who dropped out [$\chi^2(2) = 6.38, p < .05$], there was no significant difference between participants of the follow-up studies and participants who had dropped out.

Descriptive information about the variables used in our models can be obtained from Table 3. In both divorce procedures, the average guilt value was rather low. Regarding the appraisals, both groups rated the factual aspects of settlements the highest and conflicts about settlements the lowest.

Moderation

We performed a series of preliminary independent samples t-tests (cf. Table 3) in order to examine whether people following the two divorce procedures differed with regard to any of the variables in our model. The two groups did not differ significantly in terms of guilt or one of the negotiation styles. However, the appraisals of divorce settlements were evaluated significantly more negatively by participants who had undergone a litigated divorce than by participants who had a consensual divorce.

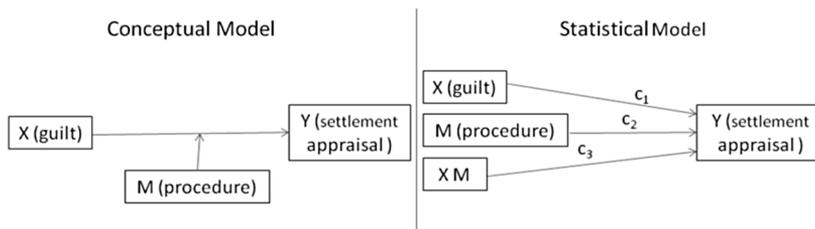
Table 3
Independent Samples T-Tests Comparing Litigated and Consensual Divorce II

	<i>t</i>	<i>df</i>	95% conf. interval		Litigated divorce		Consensual divorce	
			<i>lb</i>	<i>ub</i>	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>
Guilt ^a	-.14	164	-.47	.41	2.32	1.41	2.35	1.27
Forcing ^b	.50	164	-.24	.40	2.60	.93	2.52	.96
Yielding ^b	-.54	164	-.39	.23	2.82	1.01	2.91	.88
Problem-solving ^b	-.22	164	-.36	.29	3.26	1.08	3.30	.91
Personal aspects ^a	-3.70***	68.93	-1.55	-.56	3.93	1.78	4.99	1.32
Factual aspects ^a	-2.38*	65.04	-1.23	-.11	4.67	1.79	5.34	1.21
Conflicts ^b	3.00**	68.93	.21	1.05	2.56	1.31	1.93	.97

Note: ^a Assessed with a seven-point scale; ^b assessed with a five-point scale; * $p < .05$, ** $p < .01$, *** $p < .001$.

Using PROCESS (Hayes, 2012), we then performed a series of moderation analyses, in which we tested whether the effects of guilt on the respective appraisal were moderated by divorce procedure for each of the three appraisals (personal aspects, factual aspects, and conflicts about settlements; cf. Table 4). The conceptual and statistical models are depicted in Figure 2. A significant interaction indicated a moderator effect of divorce procedure: in the litigated divorce group, guilt had a significant negative effect on the appraisal of personal aspects of divorce settlements. The model revealed no significant effects for participants having a consensual divorce (cf. Table 4

for the respective coefficients. Note that the values referring to c_1 in Table 4 equate to the total effects of guilt).



Note: Figure adapted from Hayes (2012). The paths c_1 to c_3 in the statistical model refer to the respective coefficients in Table 4. XM is the procedure \times guilt interaction term.

Figure 2
Conceptual and Statistical Model of Moderation

Table 4
Effects of Guilt on Appraisals of Settlements with Procedure as Moderator

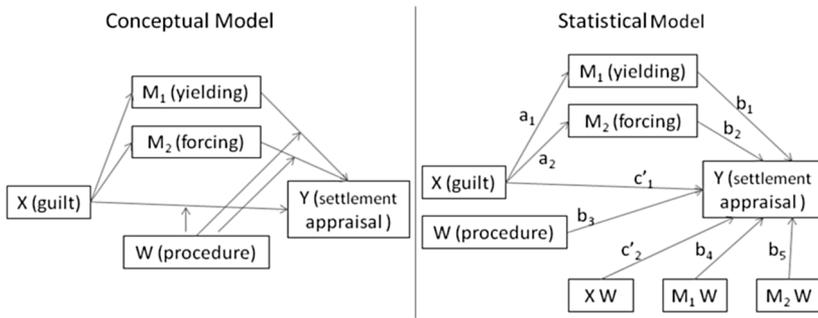
		M1	M2	M3
		Personal aspects β (SE)	Factual aspects β (SE)	Conflict β (SE)
c_1	Guilt	-.31** (.10)	-.10 (.11)	-.01 (.11)
c_2	Procedure	-.01 (.13)	-.18 (.15)	.17 (.15)
c_3	Procedure \times guilt	.36** (.12)	.11 (.14)	-.02 (.13)

Note: * $p < .05$, ** $p < .01$, *** $p < .001$; c_1 to c_3 correspond to the respective paths depicted in the statistical model in Figure 2. Litigated divorce was coded as 0 and consensual divorce was coded as 1.

Moderated Mediation

In order to test whether an indirect – negotiation style-mediated – effect of guilt on appraisals of divorce settlements depended on the divorce procedure (i.e., moderated mediation); we applied conditional process modeling (Hayes, 2012).

Time 1 guilt turned out to be unrelated to Time 2 problem-solving behaviour in any of the models. Therefore, problem-solving was excluded from the mediation models as a potential mediator of guilt. Our conceptual model and the corresponding statistical model are depicted in Figure 3. We calculated three models, one for each appraisal of divorce settlements. In each model, Time 1 guilt was the independent variable (x), the respective Time 3 settlement appraisal was the dependent variable (y), Time 2 yielding and forcing behaviour were both (parallel) mediators (m), and the effects of both guilt and the negotiation styles on the appraisal were moderated by divorce procedure (w). The path coefficients of the three moderated mediation models are shown in Table 5.



Note: The paths a_1 to c'_2 in the statistical model refer to the respective coefficients, in Table 4. XW , M_1W and M_2W are interaction terms (procedure \times guilt, procedure \times yielding, and procedure \times forcing).

Figure 3
Conceptual and Statistical Model of Moderated Mediation

Our assumptions regarding the effects of guilt on appraisals of divorce settlements when controlling for negotiation behaviour and procedure were met in part. Divorce procedure moderated the effects of guilt on settlement appraisals. Divorce procedure also moderated the effects of negotiation behaviour on appraisals. However, as we will elaborate in detail below, not all our hypotheses were confirmed.

Table 5
Moderated Mediation Path Coefficients (Models for Three Different Outcomes)

		M1	M2	M3
		Personal aspects	Factual aspects	Conflict
Outcome: yielding				
a_1	Guilt	.24** (.07)	.24** (.07)	.24** (.07)
Outcome: forcing				
a_2	Guilt	-.27*** (.07)	-.27*** (.07)	-.27*** (.07)
		Outcome: personal aspects	Outcome: Factual aspects	Outcome: Conflict β (SE)
b_1	Yielding	-.33** (.10)	-.18 (.12)	.25* (.12)
b_2	Forcing	-.07 (.12)	.11 (.13)	-.13 (.13)
	Guilt	-.24* (.10)	-.05 (.11)	-.08 (.11)
b_3	Proc. ^a	.00 (.13)	-.15 (.16)	.11 (.15)
b_4	Proc. \times Yield.	.45*** (.13)	.37* (.15)	-.39** (.15)
b_5	Proc. \times Forc.	.19 (.14)	.05 (.16)	.07 (.15)
c'_2	Proc. \times Guilt	.31* (.12)	.07 (.14)	.07 (.14)

Note: * $p < .05$, ** $p < .01$, *** $p < .001$; a_1 to c'_2 correspond to the respective paths depicted in the statistical model in Figure 3. SE between brackets. Litigated divorce was coded as 0 and consensual divorce was coded as 1. ^aProc. refers to divorce procedure.

Moderator effects of divorce procedure – (conditional) direct effects.

Divorce procedure moderated the direct effects of guilt on the personal aspects of the divorce settlements (cf. Table 6). The more guilty participants felt in the litigated divorce group, the less fair/tailor-made they appraised the settlements as being. Contrary to our predictions, the model revealed no significant direct effects of guilt on appraisals of settlements for participants in the consensual divorce group.

In addition, divorce procedure moderated the direct effects of yielding behaviour on all appraisals (cf. Table 5, b₄). That is, the relationship between yielding and all outcome variables differed significantly between the two procedures. Moreover, for participants in the litigation group yielding was significantly negatively related to appraising the settlement as fair/tailor-made. In this group yielding was positively related to conflicts about settlements (cf. Table 5, b₁).

Table 6
Conditional Direct Effect(s) of Guilt on Appraisals of Divorce Settlements by Procedure

Outcome	Litigated divorce (0) n = 48			Consensual divorce (1) n = 118		
	β	SE	t	β	SE	t
Personal aspects	-0.24	.10	-2.50*	.06	.07	.88
Factual aspects	-.05	.11	-.44	.02	.09	.18
Conflict	-.08	.11	-.76	-.02	.08	-.22

Note: Significant effects are printed in bold. * $p < .05$, ** $p < .01$, *** $p < .001$.

Mediating effects of negotiation behaviour – (conditional) indirect effects. In all three models guilt was, as hypothesised, a significant positive predictor of yielding behaviour and a significant negative predictor of forcing behaviour (both assessed one year later). The conditional indirect effects of guilt were as follows (cf. Table 7, p. 50, for conditional indirect effects of guilt).

Litigated divorce. For participants in the litigated group, guilt was related to appraising the settlements as less fair/tailor-made, and to more conflicts about settlements through yielding behaviour: The guiltier these participants felt, the more yielding behaviour they showed, which resulted in less positive appraisals of the personal aspects of settlements.

Consensual divorce. For participants in the consensual group, more guilt was related to appraising the settlements as more comprehensive/clearer through yielding behaviour: The guiltier those participants felt, the more yielding behaviour they showed, which resulted in more positive appraisals of the factual aspects of settlements.

Table 7
Moderated Mediation. Conditional Indirect Effect(s) of Guilt on Appraisals of Divorce Settlements by Procedure

	Mediator: Yielding							
	Litigated divorce				Consensual divorce			
	β	SE	Boot. Conf. Interval ^a		β	SE	Boot. Conf. Interval ^a	
			lb	ub			lb	ub
Personal aspects	-.08**	.03	-.20	-.01	.03	.02	-.01	.09
Factual aspects	-.04	.04	-.13	.03	.05*	.03	.00	.11
Conflict	.06*	.03	.01	.14	-.03	.03	-.10	.01
	Mediator: Forcing							
	Litigated divorce				Consensual divorce			
	β	SE	Boot. Conf. Interval ^a		β	SE	Boot. Conf. Interval ^a	
			lb	ub			lb	ub
Personal aspects	.02	.03	-.04	.09	-.03	.02	-.09	.00
Factual aspects	-.03	.04	-.14	.04	-.04	.03	-.10	.00
Conflict	.04	.04	-.03	.11	.02	.02	-.02	.08

Note. ^a If β was significant at the 99% level the confidence interval was 99%, otherwise it was 95%. Significant effects are printed in bold. * $p < .05$, ** $p < .01$.

Discussion

The aim of the present study was to investigate whether feeling guilty is related to individuals' appraisals of their divorce settlements, as well as how much this depends upon the divorce procedure. Most importantly, the current study shows that it makes a clear difference which divorce procedure (consensual divorce or litigated divorce) people follow. These procedures, which have largely been installed in order to make divorce easier, seem to differ not only in legal terms. Our results show that the way the interplay of guilt and negotiation behaviour affects participants' appraisals of divorce settlements differs between consensual and litigated divorce. Moreover, we found that feelings of guilt affected appraisals over and above effects mediated by altered negotiation behaviour. In the following, we will discuss the findings in more detail.

To briefly recapitulate the main results: Depending on the divorce procedure, the effects of guilt differed in several aspects. First, only in the litigated divorce group guilt was indirectly *and* directly related to appraisals of divorce settlements. Second, in the litigated group, guilt was related to appraising aspects of the settlements negatively, whereas in the consensual group guilt was related to appraising aspects of the settlements positively. Third, mediated by yielding negotiation behaviour, guilt was related to different apprais-

Table 8
Mediated Moderation: Significant Effects of Guilt on Appraisals

	Litigated divorce	Consensual divorce
Direct effects of guilt on the following appraisals:	Personal aspects ∨	–
Indirect effects of guilt on the following appraisals, mediated by yielding:	Personal aspects ∨ Conflict ↗	Factual aspects ↗
Indirect effects of guilt on the following appraisals, mediated by forcing:	–	–

Note: ∨ refers to negative effects, ↗ refers to positive effects.

als in the litigated group than in the consensual group. More specifically, in the litigated group guilt was negatively related to personal aspects of settlement, whereas in the consensual group guilt was positively related to objective settlement appraisals.

Litigated Divorce

The fact that in the litigated group guilt was not completely mediated by negotiation behaviour but had also direct effects, shows the strengths of its impact within this group. Moreover, only in the litigated group there was no positive relationship to any positive appraisal of the settlements and guilt. Guilt was, however, negatively related to appraisals of personal aspects of settlements. Interestingly, in this group we found no negative relation between guilt and factual aspects of settlements. It is, however, conceivable that someone finds their divorce settlements perfectly clear and comprehensive but not fair at all. This might especially be the case when the person has forfeited things. It has been observed that those who display guilt in competitive situations (Van Kleef et al., 2010) or who adopt a cooperative negotiation style (Walters, Stuhlmacher, & Meyer, 1998) bear the risk of being exploited by the counterpart. Although we had no information about the counterparts' behaviour, our results might corroborate such reasoning. It would be interesting to investigate this mechanism in future research by including dyadic data.

An alternative explanation for the negative effects of guilt within the litigated divorce group could be a sampling bias. Perhaps our participants had been drawn into this procedure by an ex-partner who had filed for divorce unilaterally. However, post hoc analyses showed that the majority of participants (61%, $n = 28$) had filed for divorce unilaterally themselves^[2]. Thus,

2. More precisely, about 33% ($n = 15$) of the litigated divorce group had filed for divorce completely unilaterally. 28% ($n = 13$) had filed unilaterally, with their ex-partners' later agreement. Only 26% ($n = 12$) reported that their ex-partner had requested divorce unilaterally, 6.5% ($n = 3$) had filed for divorce together, and as many reported that they did not know.

such a sampling bias is not very likely. Although the majority of the participants following litigated divorce did this on their own (or on their attorney's) initiative, this procedure was associated with less satisfaction with divorce settlements.

Consensual Divorce

In contrast to the litigated group, guilt had no direct negative effects on appraisals of settlements in the consensual group. Actually, guilt has indirect positive effects: the more guilty participants in this group felt, the more they accommodated the other and the higher they rated the factual aspects of their settlements. A possible explanation for this could be that guilt elicits the wish to make amends (Tangney, 1995). According to Miceli and Castelfranchi (1998), amends can be made by accepting or self-inflicting punishment, or by reparation. In case of divorce, reparation of the harm done to the other may be impossible. In consensual divorce, which is meant to be more amicable, punishment by the former spouse is also not likely to happen. If, however, compensation of the harm done to the other is not possible, guilt may elicit self-punishment (Nelissen & Zeelenberg, 2009). A self-punishing mechanism in divorce negotiations could be to accept settlements even when they are not ideal. A hint to this could be that even in the consensual divorce group guilt had no positive effects on appraisals of the personal aspects of settlements. It might be interesting to investigate this in future research.

In this regard it should also be considered that, despite getting divorced, former spouses know each other well. Fry, Firestone, and Williams (1983) showed that intimate partners gained lower joint negotiation outcomes than stranger dyads. They assumed that the couples cared too much about the relationship and were therefore not assertive enough. Consensual divorce is usually chosen by people whose break-up allows them to remain on amicable, or at least speaking, terms. Presumably this leads to similar mechanisms to those that are relevant when intimate partners negotiate.

Obviously, following one or the other divorce procedure has a great impact. However, our findings do not allow any conclusions about what causes this impact. Is it the procedure itself (litigation in litigated divorce, versus trying to find consensus in consensual divorce) which makes the difference, or do the people who choose one or the other procedure differ in some fundamental aspect we did not investigate? The participants in both trajectories did not differ in their level of feeling guilty toward their former partner. They also did not differ in terms of negotiation behaviour (cf., Table 3), subjective quality of life, autonomy and control, and attribution of the divorce (cf., Table 1). Kurdek and Kennedy (2001) report that couples who end their marriage by fault or litigated procedures (procedures that are equivalent to the

pre-divorce reform procedures in Belgium) differ in comparison to others with regard to the age at which they get married, marital quality, and dysfunctional beliefs about marriage. However, because choice of procedure was their dependent variable, these authors did not provide insight into the potential effects of this choice on divorce-related procedures or outcomes. Whether the causes of following one or the other divorce procedure are affected by person-, couple-, or process-related characteristics (it is, for instance, conceivable that the reason for the divorce might play a role in trajectory choice and negotiation behaviour) is a question that should be investigated in future research, as is whether people in the different trajectories feel guilty for different reasons and what difference this makes.

Divorce settlements are not easy to quantify and even harder to compare between people. Even objective criteria, such as who keeps the house, can have very different meanings for different people (Anthony, 1997). In the present study, all outcome measures were subjective appraisals of the divorce settlements. This method has clear advantages but can also be considered a limitation. On the one hand, subjective and objective indicators have been shown to be independently useful to measure, for example, quality of life (Cummins, 2000). A disadvantage of using subjective appraisals of divorce settlements, however, is that they are likely to depend on factors other than negotiation style and feelings of guilt alone. Moreover, the effects of guilt on appraisals of the settlements might be further mediated by factors that we did not control for. In the consensual divorce group, for example, feeling guilty was not directly negatively associated with the appraisals of settlements.

Finally, we did not have information on the impact of the legal system and its representatives in this process. We did not examine the respective attorneys' and judges' perceptions of participants' guilt, and what influence these perceptions may have had on settlements or verdicts. Such aspects should be investigated in future research.

Moreover, future research could examine quite how much feeling guilty has an influence on objective divorce outcomes, such as alimony or the separation of goods.

Conclusion

The present research was based on the assumption that feeling guilty is associated with unfavorable divorce settlements for the individual involved (e.g., Walters-Chapman et al., 1995). This assumption was supported by our findings. Feelings of guilt were associated with less positive appraisals of divorce settlements, especially for people who followed the reformed litigated procedure (i.e., "guiltless" unilateral divorce). Guilt is a moral emotion that elicits reparative and self-punishing behaviour. The fact that feeling guilty is related

to less positive appraisals of divorce settlements when settlements are the result of litigation to begin with might raise some questions about the pros and cons of the litigated divorce procedure. However, even participants following consensual divorce might have appraised their settlements more positively had they not felt guilty at all.

References

- Anthony, K.H. (1997). Bitter homes and gardens: The meaning of home to families of divorce. *Journal of Architectural and Planning Research* (14)1, 1-19.
- Baitar, R., Buysse, A., Brondeel, R., De Mol, J., & Rober, P.K., (2012). Towards high-quality divorce arrangements: The influence of facilitative professionals. *Negotiation Journal*.
- Baum, N. (2007). "Separation guilt" in women who initiate divorce. *Clinical Social Work Journal*, 35(1), 47-55.
- Baumeister, R.F., Stillwell, A.M., & Heatherton, T.F. (1994). Guilt – an interpersonal approach. *Psychological Bulletin*, 115(2), 243-267.
- Biondi, J. (1999). Who pays for guilt?: Recent fault-based divorce reform proposals, cultural stereotypes and economics consequences. *40 Boston College Law Review*. 611 (1999), <http://lawdigitalcommons.bc.edu/bclr/vol40/iss2/3>
- Cummins, R.A. (2000). Objective and subjective quality of life: An interactive model. *Social Indicators Research*, 52, 55-72.
- Cummins, R.A., McCabe M.P., Romeo Y., & Gullone E. (2012). The comprehensive quality-of-life scale (comqol) – instrument development and psychometric evaluation on college staff and students. *Educational and psychological measurement*, 54(2), 372-382.
- De Dreu, C.K.W., Evers, A., Beersma, B., Kluwer, E.S., & Nauta, A. (2001). A theory-based measure of conflict management strategies in the workplace. *Journal of Organizational Behavior*, 22(6), 645-668.
- de Hooge, I.E., Zeelenberg, M., & Breugelmans, S.M. (2007). Moral sentiments and cooperation: Differential influences of shame and guilt. *Cognition & Emotion*, 21(5), 1025-1042.
- Emery, R.E., Matthews, S.G., & Kitzmann, K.M. (1994). Child custody mediation and litigation: Parents' satisfaction and functioning one year after settlement. *Journal of Counseling and Clinical Psychology*, 62(1), 124-129.
- Fry, W.R., Firestone, W.J., & Williams, D.L. (1983). Negotiation process and outcome of stranger dyads and dating couples: Do lovers lose? *Basic and Applied Social Psychology* 4, 1-16.
- Hayes, A.F., (2012). Process: A versatile computational tool for observed variable mediation, moderation, and conditional process modeling. Manuscript submitted for publication.
- Hochberg, A.M., & Kressel, K. (1996). Detriments of successful and unsuccessful divorce negotiations. *Journal of Divorce and Remarriage*, 25(1/2), 1-21.
- Ketelaar, T., & Au, W.T. (2003). The effects of feelings of guilt on the behaviour of uncooperative individuals in repeated social bargaining games: An affect-as-

- information interpretation of the role of emotion in social interaction. *Cognition & Emotion*, 17(3), 429-453.
- Koch, M.A., & Lowery C.R., (1984). Evaluation of mediation as an alternative to divorce litigation. *Professional Psychology Research and Practice* 15(1), 109-120.
- Kurdek, L.A. & Kennedy, C. (2001). Differences between couples who end their marriage by fault or no-fault legal procedures. *Journal of Family Psychology*, (15)2, 241-253.
- Lindsay-Hartz, J. (1984). Contrasting experiences of shame and guilt. *American Behavioral Scientist*, 27(6), 689-704.
- Miceli, M., & Castelfranchi, C. (1998). How to silence one's conscience: Cognitive defences against the feeling of guilt. *Journal for the Theory of Social Behaviour*, 28 (3), 287-318.
- Moore, C.W. (2003). *The mediation process: practical strategies for resolving conflict*. San Francisco: Jossey-Bass.
- Nelissen, R.M.A., Dijker, A.J.M., & de Vries, N.K. (2007). How to turn a hawk into a dove and vice versa: Interactions between emotions and goals in a give-some dilemma game. *Journal of Experimental Social Psychology*, 43(2), 280-286.
- Nelissen, R.M.A., Leliveld, M.C., van Dijk, E., & Zeelenberg, M. (2011). Fear and guilt in proposers: Using emotions to explain offers in ultimatum bargaining. *European Journal of Social Psychology* (41), 78-85.
- Nelissen, R.M.A., & Zeelenberg, M. (2009). When guilt evokes self-punishment: Evidence for the existence of a Dobby effect. *Emotion* 9(1), 118-122.
- Pearson, J. (1991). The equity of mediated divorce agreements. *Mediation Quarterly*, 9, 179-197.
- Pearson, J., & Thoennes, N. (1984). Mediating and litigation custody disputes: A longitudinal evaluation. *Family Law Quarterly*, 17(4), 497-524.
- Pierce, G.R, Sarason, I.G., & Sarason, B.R., (1991). General and relationship-based perceptions of social support: Are two constructs better than one? *Journal of Personality and Social Psychology*, 61, 1028-1039.
- Pruitt, D.G. (1983). Strategic choice in negotiation. *American Behavioral Scientist*, 27, 167-194.
- Ryff, C.D. (1989). Happiness is everything, or is it? Explorations on the meaning of psychological well-being. *Journal of Personality and Social Psychology*, 57, 1069-1081.
- Sbarra, D.A., & Emery, R.E. (2008). Deeper into divorce: Using actor-partner analyses to explore systemic differences in coparenting conflict following custody dispute resolution. *Journal of Family Psychology* 22(1), 144-152.
- Shaw, L. (2010). Divorce mediation outcome research: a meta-analysis. *Conflict Resolution Quarterly*, 27(4), 447-467.
- Sheets, V.L., & Braver, S.L. (1996). Gender differences in satisfaction with divorce settlements. *Family Relations*, 45, 336-342.
- Spanier, G.B., & Margolis, R.L. (1983). Marital separation and extramarital sexual behavior. *Journal of Sex Research*, 19(1), 23-48.

- Tangney, J.P. (1995). Shame and guilt in interpersonal relationships. In J.P. Tangney, & K.W. Fischer (Eds.). *Self Conscious Emotions* (pp. 114-139). New York, London: The Guilford Press.
- Van Kleef, G.A., De Dreu, C.K.W., & Manstead, A.S.R. (2006). Supplication and appeasement in conflict and negotiation: The interpersonal effects of disappointment, worry, guilt, and regret. *Journal of Personality and Social Psychology, 91*(1), 124-142.
- Van Kleef, G.A., De Dreu, C.K.W., & Manstead, A.S.R. (2010). An interpersonal approach to emotion in social decision making: the emotions as social information model. *Advances in Experimental Social Psychology, (42)*, 45-96.
- Wallerstein, J.S. & Kelly, J.B. (1980). *Surviving the breakup*. New York: Basic Books.
- Walters, A.E., Stuhlmacher, A.F.S., & Meyer, L.L. (1998). Gender and negotiator competitiveness: A meta-analysis. *Organizational Behavior and Human Decision Processes, 76*(1), 1-29.
- Walters-Chapman, S.F., Price, S.J., & Serovich, J.M. (1995). The effects of guilt on divorce adjustment. *Journal of Divorce & Remarriage, 22*(3-4), 163-177.
- Wietzker, A., & Buysse, A., (2012). Assessing guilt toward the former spouse. *Psychological Assessment, 24*(3), 783-789.
- Wietzker, A., Buysse, A., Loeys, T., & Brondeel, R. (2011). Easing the conscience – Feeling guilty makes people cooperate in divorce negotiations. *Journal of Social and Personal Relationships, (29)*3, 324-336.
- Wubben, M.J.J., De Cremer, D., & van Dijk, E. (2008). When emotions of others affect decision in public good dilemmas: An instrumental view. *European Journal of Social Psychology, 38*(5), 832-835.
- Wubben, M.J.J., De Cremer, D., & van Dijk, E. (2009). When and how communicated guilt affects contributions in public good dilemmas. *Journal of Experimental Social Psychology, 45*(1), 15-23.

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